conduct of their business with respect to matters under their control does not apply to acts of persons beyond their control. *Tall* v. *Packet Co.*, 90 Md. 248, 44 Atl. 1007; *R. R. Co.* v. *Pillsbury*, 123 Ill. 21, 14 N. E. 22.

CONSTITUTIONAL LAW—REASONABLE CLASSIFICATION—REGULATION OF INSURANCE COMPANIES—DISCRIMINATION IN FAVOR OF FOREIGN CORPORATIONS.—The State of Washington instituted proceedings to enjoin defendant from carrying on the business of fraternal insurance until it complied with the laws regulating the business of insurance companies. Chapter 174 of Session Laws of 1901 (Supplement to Ballinger's Code, pp. 297-307), provides that all companies incorporated after the passage of that law, or foreign corporations coming into the state after that time, shall not charge lower rates to members than those provided in the Fraternal Congress Mortality Tables. The law excepts all corporations doing business before the passage of the act and they may continue charging the customary rates. Defendant is charged with collecting less than the rates specified in that Table. Its defense is that the law is unconstitutional and void, because it makes an unreasonable and unjust classification in violation of Sec. 12, Art. 1 of the State Constitution prohibiting the granting of any privileges and immunities to citizens and corporations that do not belong to all citizens and corporations alike and Sec. 7, Art. 12 that no foreign corporation shall be allowed to do business on more favorable terms than domestic corporations. *Held,* that the law was constitutional and valid. *State* v. *Fraternal Knights and Ladies* (1904), — Wash. —, 77 Pac. Rep. 500.

There is no question as to the right of the Legislature to make classifications, but the courts agree in requiring that such classifications be on a reasonable basis. In this case time is the basis for the classification, and it seems hardly reasonable that a corporation chartered or coming into the state one day before the passage of the act be placed on a different footing than corporations chartered or coming into the state two days after. The court in construing equal protection of the laws says: "That clause of the Constitution means that laws shall have equality of operation; but that does not mean equality on persons as such, but on persons according to their relations." The court cites numerous cases in support of the decision, but in all of them, but one, the classification was made on a different basis than time. In *Ames* v. *U. P. Ry. Co.* 64 Fed. Rep. 165, the court upheld the constitutionality of a law passed by the Legislature of Nebraska providing the rates to be charged by railroads for carrying freight, but exempting all railroads built or to be built from January 1st, 1889, up to December 31st, 1889, until this last date. At the same term at which the principal case was decided the Supreme Court of Washington held that an act of the Legislature empowering the city of Port Townsend to impose and collect from every male between 21 and 50 a capitation tax of two dollars, but exempting all members of voluntary fire associations was unconstitutional because it discriminated between age, sex and condition. *State* v. *Ide* (1904), — Wash. —, 77 Pac. Rep. 961.

CONSTITUTIONAL LAW—USE OF TRADING STAMPS—POLICE POWER.—Act of 1899 prohibiting and making a penal offense the giving of trading stamps with